

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, et al.,

Plaintiffs,

NEW YORK IMMIGRATION
COALITION, et al.,

Consolidated Plaintiffs

v.

UNITED STATES DEPARTMENT OF
COMMERCE, et al.,

Defendants.

Civil Action No. 1:18-cv-2921-JMF

SUPPLEMENTAL AFFIDAVIT OF JASON HARMON

Pursuant to 28 U.S.C. § 1746, I, Jason Harmon, hereby declare as follows:

1. As explained in my October 23 Affidavit, I am Director of the Every Student Succeeds Act (“ESSA”) Funded Programs at the New York State Education Department (“NYSED”), where I have been employed since 2013. All of the statements made in my October 23 Affidavit and in this Affidavit are made based on my personal knowledge, acquired as part of my work for NYSED. Part of my work includes overseeing various federally-funded education programs. Accordingly, my work requires me to keep apprised of federal education grant programs that provide money to New York State.

2. As I testified in paragraphs 2 and 3 of my October 23 Affidavit, my job entails working With the following federal education funding programs:

- o Title I, Part A - Improving basic programs operated by LEAs;
- o Title I, Part C - Education of migratory children;
- o Title I, Part D - Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk;

- Title I - School Improvement Grants ("SIG")
- Title II, Part A - Supporting effective instruction;
- Title IV Part A - Student Support and Academic Enrichment Grants;
- Title V, Part B - Rural education; and
- Title IX - McKinney-Vento Homeless Assistance Act.

As Director of the ESSA-funded programs at NYSED, I am uniquely positioned to have oversight of these sources of federal education funding that are predicated in part on decennial census data. As part of my job responsibilities, I have become personally familiar with the funding formulas and the operations of those programs, and their impact on the State of New York.

3. In my role, I regularly participate in meetings with NYSED personnel who administer the ESSA-funded programs listed in paragraph 2. I work very closely and supervise the administrators of these programs, and during the course of our work we frequently discuss at length the ESSA grants and the formulas that determine New York State's share of those dollars.

4. When preparing my October 23 Affidavit, I confirmed the specific funding amounts received under ESSA grants that are predicated at least in part on decennial census data. I then confirmed these funding numbers with public records maintained on NYSED's website. I specifically verified the grant amounts discussed in paragraphs 7 and 14 of my October 24 Affidavit in this manner.

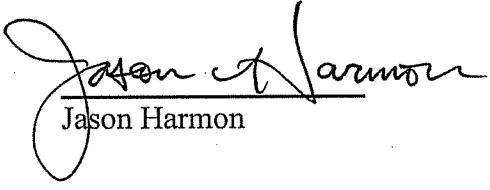
5. Based on my knowledge of the funding formulas' reliance on decennial census data, I understand that a decrease in New York's population count will lead to a decrease in its share of the ESSA-funded education grants to New York, and that there will be a corresponding decrease in the amount allocated to nearly all local education agencies ("LEAs") across the state. During the course of my work at NYSED, I have learned that State of New York does not exercise discretion in determining the amount of these federal dollars allocated to LEAs.

6. As I explained in my October 23 Affidavit, decreases in New York State's share of these federal dollars would result in reductions of critical educational services and support for at-risk and low-income children throughout New York State.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: November 3, 2018

Albany, NY



Jason Harmon